

POSITION DUTY STATEMENT

DFPI HRO 203 (Rev. 01-21)



EMPLOYEE		CLASS TITLE: Attorney V		WORKING TITLE: Senior Counsel	
DIVISION OR UNIT: Legal Division		POSITION NUMBER: 410-x03-5781-xxx		COLLECTIVE BARGAINING: R02	MCR: 1
EFFECTIVE DATE:		CONFLICT OF INTEREST CATEGORY: 2		PROBATION: 12 months	
SALARY: \$11,042 - \$14,093		RANGE: A		IMMEDIATE SUPERVISOR (Print) Joyce Tsai	
WORK SCHEDULE:					DAILY HOURS:
Mon <input checked="" type="checkbox"/>	Tues <input checked="" type="checkbox"/>	Wed. <input checked="" type="checkbox"/>	Thurs. <input checked="" type="checkbox"/>	Fri. <input checked="" type="checkbox"/>	Start: a.m. Finish: p.m.
<p>1. Supervision Received: Under the general direction of the Assistant Chief Counsel and the guidance of the Deputy Commissioner of the Legal Division, the Attorney V independently performs a high volume of legal assignments of the most complex and sensitive nature, including the duties and responsibilities described below.</p>					
2. Supervision Exercised: None					
3. Physical Demands: See pages 2 - 5.					
4. Job Description: (Percentage of time performing each function)					
Percent of Time	ESSENTIAL FUNCTIONS				
50%	<p>Provides expert legal counsel to the Commissioner regarding the new Debt Collection Licensing Act. Provides this legal counsel to the Department's Enforcement Division, the new licensing program, the new Debt Collection Advisory Committee, external stakeholders, and the public. Responds to questions and meeting requests from new program staff, internal management, industry, consumer groups, legislators, legislative consultants and staff, Agency, the Governor's Office, and other state and federal regulators and agencies. Handles complex questions and issues with debt collectors. Provides oral and written interpretive advice and opinions on the Act and other substantially related laws, including California's Rosenthal Fair Debt Collections Practice Act, debt buyers' provisions in the Civil Code, and the federal Fair Debt Collection Practices Act. Drafts opinions that will address or decide many significant issues, including federal preemption and the Department's jurisdiction over aspects of debt collection.</p> <p>Promulgates regulations clarifying, reissuing, amending, or repealing certain provisions of the Debt Collection Licensing Act, and draft and promulgate subsequent regulations needed to clarify regulations and administer the law, including regulations addressing the Debt Collection Advisory Committee. Works with third-party vendors to perform studies to justify rulemaking decisions. Develop forms; initiate special projects to implement Department laws and policies; analyze current legal developments and industry practices for purposes of drafting regulations; initiate projects that involve analysis of legal, economic, regulatory and social trends that may result in changes in the policies and interpretations of the Commissioner, or which lead to proposed rulemaking.</p> <p>Trains new program staff on the law, how to implement regulations, related laws, and industry developments. Delivers and attends training on related laws, regulations, and industry developments. Works with the new program staff to develop examination objectives and policies. Testifies before the Legislature on the efficacy of the Department's regulations in reducing violations or noncompliance with the new law.</p> <p>Leads internal task forces formed to implement new laws. Serves as the Department's subject matter expert and main point of contact and liaison to outside task forces and other state and federal agencies. Works with the Department's IT and Consumer Services Offices to implement and reporting requirements of the Department's licensees.</p>				

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20%	<p>Provides legal counsel on the most complex and controversial issues involving multiple laws under the Department's jurisdiction, including the California Consumer Financial Protection Law, California Financing Law, Deferred Deposit Transaction Law, Banking Law, Money Transmission Act, and Student Loan Servicing Act. Consults with and advises the Commissioner, General Counsel, Deputy Commissioner, and Assistant Chief Counsel on the legal and policy issues most important to the Commissioner, Agency, and the Governor.</p> <p>Handling the highest volume and most complex legal opinion requests, incumbent is responsible for researching and preparing legal opinions, particularly involving laws new to the Department and implementing new statutes and court decisions. Provides informal and formal legal advice on a time-sensitive basis. Identifies potential legal problems and proposes solutions, analyzes statutes, regulations, policies and court rulings affecting the programs, duties, functions and responsibilities of the Department. Researches past Department opinions, policies, and practices; and researches legislative history in order to prepare the most complex interpretive opinions for external parties. Participates in sensitive negotiations with outside private counsel, as well as with attorneys representing other government agencies. Represents the Department at meetings held by other regulators, industry groups, and the Legislature.</p> <p>Drafts releases to provide information to consumers and licensees, addressing complex and sensitive legal issues.</p>
10%	Handles the highest volume of legislative analyses, incumbent researches and analyzes the most complex legislation affecting the Department's administration of laws under the jurisdiction of the Department; analyzes state and federal legislation as requested by the Commissioner, Agency, or Governor's Office; provides testimony at legislative hearings; participates in conversations with legislative staff, sponsors of legislation, and interest groups. Initiates projects that involve policy analysis of legal, economic, regulatory social trends that may result in changes in the policies and interpretations of the Commissioner, or which lead to proposed legislation; drafts Department legislative proposals; ensures that Department policies are consistent with laws and regulations.
10%	Serves as a lead over Attorneys and support staff in the Legal Division. Provides formal and informal training for Attorneys, Attorney IIIs, and Attorney IVs. Provides formal and informal trainings to Programs, Enforcement, and other Departmental staff. Assists the Assistant Chief Counsel in delegating staff workload and reviewing work products. Develops procedure manuals documenting the Legal Division's policies and practices. Assists the General Counsel's office with Public Records Act requests and other legal matters.
5%	Review the most complex Office of Administrative Hearings decisions, prepare memoranda with recommendations to the Commissioner, draft final opinions on behalf of the Commissioner. Advises the Commissioner on final decisions in administrative cases against Department licensees and unlicensed parties.
<i>Percent of Time</i>	NON-ESSENTIAL FUNCTIONS
5%	Performs other job-related duties as required.

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PHYSICAL AND MENTAL REQUIREMENTS OF ESSENTIAL FUNCTIONS					
Activity	Not Required	Less than 25%	25% to 49%	50% to 74%	75% or More
VISION: Reviewing mail; preparing various forms; proofreading documents; reading printed material, computer screens, and handwritten materials.				✓	
HEARING: Answering telephones; receiving verbal information from outside sources; understanding verbal instruction.				✓	
SPEAKING: Receiving visitors; answering inquiries and providing verbal information or instruction.				✓	
MOVEMENT: Delivering material to others; picking up materials from others; copying; faxing; distributing information; filing.		✓			
SITTING: At a computer terminal or desk; conferring with employees.					✓
STANDING:	✓				
BALANCING:	✓				
CONCENTRATING: Reviews and reads records/documents, researches, composes, analyzes, compiles, and updates technical documents; multi-tasking; prepares various forms and documents.					✓
COMPREHENSION: Understanding needs of co-workers, clients; understands procedures and practices; Understands laws, regulations related to their work.					✓
WORKING INDEPENDENTLY: Possesses ability to work independently as well as a team member, have good interpersonal and communication skills, ability to follow directions, take initiative, assume responsibility, and exercise good judgment and tact. Must be able to work alone without much guidance or interaction or interaction from other staff.					✓
LIFTING UP TO 10 LBS. OCCASIONALLY:		✓			

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PHYSICAL AND MENTAL REQUIREMENTS OF ESSENTIAL FUNCTIONS					
Activity	Not Required	Less than 25%	25% to 49%	50% to 74%	75% or More
LIFTING UP TO 20 LBS. OCCASIONALLY AND/OR 10 LBS. FREQUENTLY:	✓				
LIFTING UP TO 20-50 LBS. OCCASIONALLY AND/OR 25-50 LBS. FREQUENTLY:	✓				
FINGERING: Pushing buttons on telephone; typing; copying.		✓			
REACHING: Answering phones.		✓			
CARRYING:		✓			
CLIMBING: stairs	✓				
BENDING AT WAIST:	✓				
KNEELING:	✓				
PUSHING OR PULLING:	✓				
HANDLING:	✓				
DRIVING:		✓			
OPERATING EQUIPMENT: Computer; telephone; copy machine; fax.				✓	
WORKING INDOORS:					✓
WORKING OUTDOORS:	✓				
WORKING IN CONFINED SPACE: Enclosed office environment.					✓

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SIGNATURES

Certification of Applicant/Employee

*Note – **Do not** sign certification if you have any concerns regarding your ability to perform the essential functions of this position. Contact the DFPI Human Resources Office for additional information.*

I certify that I possess essential personal certifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties as described above with or without reasonable accommodation.

I have read and discussed these duties with my supervisor.

Employee's Signature

Date

Civil Service Title

I certify that the above accurately represents the duties of the position:

Supervisor's Signature

Date

Civil Service Title

Position classification approved:

Personnel Analyst's Signature

Date